

1 DAVID A. ROSENFELD, Bar No. 058163
2 CAREN P. SENCER, Bar No. 233488
3 WEINBERG, ROGER & ROSENFELD
4 A Professional Corporation
5 1001 Marina Village Parkway, Suite 200
6 Alameda, California 94501
7 Telephone (510) 337-1001
8 Fax (510) 337-1023
9 E-Mail: drosenfeld@unioncounsel.net

10 Attorneys for Petitioner,
11 General Teamsters Union Local No. 386

12 UNITED STATES OF AMERICA
13
14 BEFORE THE NATIONAL LABOR RELATIONS BOARD

15 GENERAL TEAMSTERS UNION LOCAL
16 NO. 386,

17 Petitioner,

18 and

19 MODESTO RADIOLOGY IMAGING, INC.,

20 Employer.

No. 32-RC-098291

**PETITIONER GENERAL
TEAMSTERS UNION LOCAL
NO. 386'S REQUEST THAT THE
BOARD END ITS PARALYSIS**

21 This is a representation matter. The election was held on February 27, 2013. The
22 employer dishonestly and disingenuously changed its position 180 degrees with respect to the
23 status of the challenged ballots. The Employer then obtained substantial delay in resolving those
24 challenged ballots. The Employer requested a delay in filing Exceptions. Exceptions were not
25 filed until August 9, 2013. This matter has now been pending before a fully confirmed Board for
26 several months. While the Board is paralyzed, workers lose their right to representation.

27 ///

28 ///

///

///

///

1 We request that the Board end its paralysis and issue a decision. The workers are entitled
2 to have a decision, one way or the other. The workers should not be punished because the Board
3 cannot reach a decision.

4 Dated: December 30, 2013

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

6 /s/ *David Rosenfeld*
7 By: DAVID A. ROSENFELD
8 CAREN P. SENCER
Attorneys for Petitioner,
General Teamsters Union Local No. 386

9 133679/746816

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 30, 2013, I served the following documents in the manner described below:

**PETITIONER GENERAL TEAMSTERS UNION LOCAL NO. 386'S REQUEST THAT
THE BOARD END ITS PARALYSIS**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- ☒ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system to the email addresses set forth below.

On the following part(ies) in this action:

Mr. Gordon A. Letter
Littler Mendelson, P.C.
2049 Century Park East, 5th Floor
Los Angeles, CA 90067-3107
gletter@littler.com

Regional Director
NLRB, Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612
(510) 637-3315

Via Electronic Mail

Via Facsimile and U.S. Mail

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 30, 2013, at Alameda, California.

/s/ Katrina Shaw
Katrina Shaw